

REMARKS:

Claims 1-4, 6, 7, and 10-23 are pending in the application (claims 5 and 8-9 having been cancelled and the features of the invention recited in those claims added to independent claims 1 and 13). In the Office Action, claims 1-4, 6, 7, and 10-23 have been rejected.

Drawing Objection

The drawings have been objected to because the Examiner contends they do not show “at least one longitudinally-extending reinforcing rod attached to the edge of the panel,” as recited in amended claim 17. Applicant has amended claim 17 to recite “at least one longitudinally-extending reinforcing rod attached between and extending substantially perpendicularly to two oppositely-facing portions of the edge of at least one of the plurality of composite polymer panels.” Support for this amendment is shown in FIG. 3c, reference number 314, and described in the specification on page 10, third full paragraph. FIG. 3c and the specification clearly disclose that horizontal rods 314 may be placed to run through the available channels formed in the composite material, between two opposite edge portions of the panel, to increase stability of the wall structural panel 300. No new matter has been introduced. Withdrawal of the drawing objection is respectfully requested.

Claim Rejection - 35 U.S.C. § 112, first paragraph:

Claims 1-4, 6, 7 and 10-23 have been rejected under 35 U.S.C. § 112, first paragraph, as being indefinite. In particular, the Examiner contends that the recitation of directional adjectives in the claims, such as “upper,” “lower,” “vertical” and “horizontal,” are confusing and indefinite given the multiple arrangements of various panels that make up the walls, floors and roof of the claimed invention. With regard to claims 17-19, the Examiner contends that the recitation “at least one longitudinally-extending reinforcing rod attached to the edge of the panel” is not supported by the original disclosure. Applicant respectfully traverses the Examiner’s rejection under § 112, first paragraph, for the following reasons.

Applicant has amended independent claims 1, 13 and 17 to remove most of the directional adjectives. It is believed that the resulting claims are definite and comply with 35 § 112, first paragraph.

Applicant has also amended claim 17 to recite, as noted above, “at least one longitudinally-extending reinforcing rod attached between and extending substantially perpendicularly to two oppositely-facing portions of the edge of at least one of the plurality of composite polymer panels.” Support for this amendment is shown in FIG. 3c, reference number 314, and described in the specification on page 10, third full paragraph. FIG. 3c and the specification clearly disclose that horizontal rods 314 may be placed to run through the available channels formed in the composite material, between two opposite edge portions of the panel, to increase stability of the wall structural panel 300.

Accordingly, withdrawal of the § 112, first paragraph, rejection of claims 1, 13 and 17 is requested. Since claims 2-4, 6, 7, 10-12, 14-16 and 18-23 depend from those claims, withdrawal of the rejection of those claims is also requested.

Claim Rejection - 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 6, 7, 10, 16, 22 and 23 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,493,839 to *Sax et al.* For the reasons noted below, Applicant respectfully traverses the Examiner’s rejection and submits that *Sax et al.* does not anticipate the amended claims.

Sax discloses (see Abstract) a structural building panel having a sandwich construction of an outer skin including a pair of parallel spaced opposed panels with an attached inner core comprising a third panel in combination with a plurality of fourth panels secured and arranged in spaced side by side relation. This modular construction is shown in FIG. 2A of the patent.

Claim 1, as amended, recites “a plurality of raised ribs extending perpendicular to and across one of the first and second faces of the panels, wherein the other of the first and second faces of the panels is smooth and wherein the first and second faces of the panels, the

edge, the flange and the plurality of ribs are integral pieces.” Amended claim 13 contains similar language.

Contrary to the Examiner’s contention, *Sax et al.* does not disclose or teach that the components of the panel are “integral pieces” or that one of the faces of the panels “is smooth,” as recited in amended claim 1. In fact, the patent specifically requires that there be ribs on both sides of the panel and that the various components be adhered together.

Accordingly, Applicant submits that amended claim 1 is not anticipated by *Sax et al.* Withdrawal of the § 102(b) rejection is respectfully requested. Since claims 6, 7, 10, 16, 22 and 23 depend from claims 1 and 13, withdrawal of the § 102(b) rejection of those claims is also respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-4, 13 and 20 under 35 U.S.C. § 103(a), as being unpatentable over *Sax et al.* in view of U.S. Patent No. 6,604,328 to *Paddock*. For the reasons noted below, Applicant respectfully traverses the Examiner’s rejection and submits that the combination of *Sax et al.* and *Paddock* does not establish a *prima facie* case of obviousness.

Sax et al., as noted above, does not disclose “integral pieces” or that one of the faces of the panels “is smooth,” as recited in amended claims 1, 13 and 20. In fact, *Sax et al.* teaches using a suitable cement or adhesive 28 to bond core element 16 to the interior surfaces of 12a and 14a, as opposed to making them a single integral piece. See col. 4, lines 39-46. Clearly, the advantage of a panel made from a single integral piece is its dimensional strength, compared to the use of cement or adhesives to bond pieces together. In that respect, *Sax et al.* does not teach the invention recited in amended claims 1, 13 and 20.

Moreover, *Sax et al.* does not disclose or teach a panel where one face of the panel is smooth, i.e., without raised ribs, as recited in amended claims 1, 13 and 20. Moreover, with regard to claim 13, *Sax et al.* does not disclose ribs “extending across” the panel in two directions where the ribs intersect at approximately 90-degrees. There is no disclosure or

teaching in *Sax et al.* to have raised ribs on only one side of the panel, as in the claimed invention. In fact, *Sax et al.* requires raised ribs on each side of the center panel to provide support for the outer panels sheets 12, 14, especially because the panels are as long as eight feet and would require some support along that length, other than along the periphery of the panel, to keep the panel from flexing under some applied load.

Thus, *Sax et al.* does not anticipate or render obvious the inventions recited in amended claims 1, 13 and 20. Applicant submits that *Paddock* also does not disclose or teach those features of the claimed inventions. Accordingly, the Examiner has not established a *prima facie* case of obviousness with respect to claims 2-4, which depend from claim 1, or amended claims 13 and 20. Withdrawal of the § 103 rejection is respectfully requested.

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 103(a), as being unpatentable over *Sax et al.* For the reasons noted above, since claims 11 and 12 depend from amended claim 1, Applicant respectfully traverses the Examiner's rejection and submits that the *Sax et al.* does not establish a *prima facie* case of obviousness. Withdrawal of the § 103 rejection of claims 11 and 12 is respectfully requested.

The Examiner has rejected claim 14 under 35 U.S.C. § 103(a), as being unpatentable over *Sax et al.* in view of *Paddock* and U.S. Patent No. 4,168,924 to *Draper et al.* For the reasons noted above, since claim 14 depends from amended claim 13, Applicant respectfully traverses the Examiner's rejection and submits that the cited patents do not, individually or in combination with each other, establish a *prima facie* case of obviousness. Withdrawal of the § 103 rejection of claim 14 is respectfully requested.

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a), as being unpatentable over *Sax et al.* in view of *Paddock* and U.S. Patent Appl. Ser. No. 2001/0032430 A1 to *Peshkam et al.* For the reasons noted above, since claim 15 depends from amended claim 13, Applicant respectfully traverses the Examiner's rejection and submits that the cited patents do not, individually or in combination with each other, establish a *prima facie* case of obviousness. Withdrawal of the § 103 rejection of claim 15 is respectfully requested.

The Examiner has also rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over *Sax et al.* in view of *Paddock* and U.S. Patent No. 5,268,226 to *Sweeney*. For the reasons noted above, since claim 21 depends from amended claim 20, Applicant respectfully traverses the Examiner's rejection and submits that the cited patents do not, individually or in combination with each other, establish a *prima facie* case of obviousness. Withdrawal of the § 103 rejection of claim 21 is respectfully requested.

Applicant's reasons for traversing the Examiner's § 103(a) rejections are deemed to be fully responsive to the Office Action, even though they are based on issues the Examiner may not have addressed or relied upon in rejection the claims under § 103(a). Applicant's silence with regard to specific features of prior art relied upon by the Examiner in rejecting the claims should not be deemed an admission by the Applicant that the claimed invention has or does not have features recited in the cited prior art. Applicant reserves the right to traverse the Examiner's rejection by addressing those specific features of the claimed invention.

New claim

Claim 24 is new and is being submitted to better protect the Applicant's disclosed invention.